

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MY'ASHA ROUNDTREE,

Plaintiff,

-against-

CITY OF NEW YORK, POLICE OFFICER
ANDY URENA, AND LIEUTENANT
MICHAEL DUNN,

Defendants.

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**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEY'S FEES,
EXPENSES, AND COSTS**

21-cv-10576 (JLR)

WHEREAS, plaintiff My'Asha Roundtree commenced this action by filing a complaint in the Supreme Court of the State of New York, County of Bronx on or about August 24, 2021, alleging that defendants City of New York, Police Officer Andy Urena, and Lieutenant Michael Dunn violated their federal civil and state common law rights; and

WHEREAS, this action was removed to federal court on or about December 13, 2021;

WHEREAS, plaintiff filed an Amended Complaint on or about January 28, 2022;

WHEREAS, defendants served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on July 11, 2022; and

WHEREAS, plaintiff accepted defendants City of New York, Police Officer Andy Urena, and Lieutenant Michael Dunn's Offer of Judgment pursuant to Fed. R. Civ. P. 68 on July 22, 2022; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of their rights to attorneys' fees, expenses, and costs to their counsel the Bronx Defenders, Gideon Oliver, Esq., and Cohen&Green P.L.L.C., and The Community Development Project, Inc. d/b/a TakeRoot Justice ("TakeRoot Justice"); and

WHEREAS, counsel for defendants and plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, the Bronx Defenders, Gideon Oliver, Esq., Cohen&Green, P.L.L.C., and Community Development Project, Inc. d/b/a TakeRoot Justice, the total sum of Sixty- Five Thousand (\$65,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Sixty-Five Thousand (\$65,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendant City; its successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time. The Bronx Defenders, Gideon Oliver, Esq., Cohen & Green, P.L.L.C., and TakeRoot Justice agree to indemnify and hold harmless the City of New York, Police Officer Andy Urena, and Lieutenant Michael Dunn; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims for attorneys' fees, expenses, and costs brought by, for, or on behalf of plaintiff My'Asha Roundtree arising out of, or related to, this matter. Nothing contained herein shall be deemed to be an admission by the defendant that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendant and counsels for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

5. The Court retains jurisdiction for the purpose of enforcing this Stipulation and Order.

Dated: New York, New York
May 19, 2023

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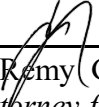
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*Attorney for defendants City of New York,
PO Andy Urena, and Lt. Michael Dunn
Assistant Corporation Counsel*

By:  _____
J. Remy Green
Attorney for Plaintiff

SO ORDERED:

Dated: New York, New York
_____, 2023

HON. JENNIFER L. ROCHON
UNITED STATES DISTRICT JUDGE